

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

In the Matter of	)	
	)	
Service Quality, Customer Satisfaction,	)	WC Docket No.
Infrastructure and Operating Data	)	08-190
Gathering	)	
	)	
Petition of AT&T Inc. for Forbearance	)	WC Docket No.
Under 47 U.S.C. § 160(c) From Enforcement	)	07-139
of Certain of the Commission's	)	
ARMIS Reporting Requirements	)	
	)	
Petition of Qwest Corporation for	)	
Forbearance from Enforcement of the	)	
Commission's ARMIS and 492A Reporting	)	
Requirements Pursuant to 47 U.S.C.	)	
§ 160(c)	)	
	)	
Petition of the Embarq Local Operating	)	WC Docket No.
Companies for Forbearance Under 47 U.S.C.	)	07-204
§ 160(c) From Enforcement of Certain of	)	
ARMIS Reporting Requirements	)	
	)	
Petition of Frontier and Citizens ILECs	)	
for Forbearance Under 47 U.S.C. § 160(c)	)	
From Enforcement of Certain of the	)	
Commission's ARMIS Reporting Requirements	)	
	)	
Petition of Verizon for Forbearance Under	)	WC Docket No.
47 U.S.C. § 160(c) From Enforcement of	)	07-273
Certain of the Commission's	)	
Recordkeeping and Reporting Requirements	)	
	)	
Petition of AT&T Inc. For Forbearance	)	WC Docket No.
Under 47 U.S.C. § 160 From Enforcement of	)	07-21
Certain of the Commission's Cost	)	
Assignment Rules	)	

TO: The Commission and the Office  
of Management and Budget

**COMMENTS OF THE RURAL NEBRASKA LOCAL EXCHANGE CARRIERS  
ON THE INFORMATION COLLECTIONS**

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## SUMMARY

Great Plains Communications, Inc., Hemingford Cooperative Telephone Company, Keystone-Arthur Telephone Company, K&M Telephone Company, Inc., Nebraska Central Telephone Company and Northeast Nebraska Telephone Company (collectively, the Rural Nebraska LECs), by their attorney, hereby submit these Paperwork Reduction Act (PRA) and Small Business Paperwork Relief Act of 2002 (SBPRA) comments on the information collections contained in the Memorandum Opinion and Order and Notice of Proposed Rulemaking, FCC 08-203, released September 6, 2008 (NPRM), in the captioned proceedings.

This is a case of deja vu. In the NPRM, the Commission proposes to extend ARMIS-type reports to additional carriers, just as it did eight years ago. Back then, the Commission did not explain what the benefit would be for imposing reporting burdens on additional carriers. As a result, the Office of Management and Budget (OMB) did not approve the proposed reports. Now, we have the same situation - proposed paperwork burdens with no clear benefits. The Rural Nebraska LECs respectfully request the OMB to decline to approve these proposed reports, in accordance with the PRA, or request the Commission to exempt small ILECs pursuant to the SBPRA.

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<sup>1</sup> Service Quality, Customer Satisfaction, Infrastructure and Operating Data Gathering, Memorandum Opinion and Order and Notice of Proposed Rulemaking, WC Dockets No. 08-190, 07-139, 07-204, 07-273, 07-21, FCC 08-203 (rel. Sept. 6, 2008) [hereinafter NPRM].

small ILECs pursuant to the SBPRA.<sup>2</sup>

## **BACKGROUND**

The Rural Nebraska LECs are small ILECs serving rural areas of Nebraska. In addition to providing local exchange service, the Rural Nebraska LECs and their affiliates provide broadband service and long distance service.

Several of them serve fewer than 1000 lines. They all have fewer than 1500 employees (the size threshold for small businesses under the Regulatory Flexibility Act).<sup>3</sup> Some of the Rural Nebraska LECs have fewer than 25 employees (the size threshold for small businesses under the Small Business Paperwork Relief Act of 2002).<sup>4</sup> Given their small size and correspondingly small staff, they are especially impacted by any increased regulatory reporting requirements.

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<sup>2</sup> The NPRM also does not comply with the Regulatory Flexibility Act and the Administrative Procedure Act. These issues are addressed in two separate comments filed today by the Rural Nebraska LECs. Rural Nebraska Local Exchange Carriers Comments, WC Dockets No. 08-190, 07-139, 07-204, 07-273, 07-21, FCC 08-203 (filed Nov. 14, 2008); Rural Nebraska Local Exchange Carriers Comments on the Initial Regulatory Flexibility Analysis, WC Dockets No. 08-190, 07-139, 07-204, 07-273, 07-21, FCC 08-203 (filed Nov. 14, 2008).

<sup>3</sup> NPRM app. C para. 5.

<sup>4</sup> NPRM para. 44.

**I. THE COMMISSION GIVES NO JUSTIFICATION FOR THE PROPOSED REPORTING REQUIREMENTS**

The gist of the NPRM appears to be that the Commission is looking for a use for its ARMIS reports. But that's putting the cart before the horse. The Commission has failed to provide a reason for collecting the data in the first place.

The Commission posits that it could use data to aid the Commission's public safety and broadband policymaking, and could make the data available to consumers to help them make informed choices.<sup>5</sup> The Commission does not explain why it needs more data for public safety and broadband policymaking, and why the data it already has is not sufficient. Similarly, the Commission does not explain why consumers need data that is not already available elsewhere and why the data should be provided at the federal level. The Commission has not pointed to any complaints at the state or federal level that would justify reporting burdens on small ILECs.

It is clear that the main reason why the Commission released the NPRM is that it was required to respond to ARMIS forbearance requests filed by large ILECs. Surely, a decision to forbear from ARMIS reports for large ILECs is no basis for extending ARMIS reports to all carriers.

In sum, the Commission has given no reason for collecting

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<sup>5</sup> Id. paras. 34-35.



additional ARMIS-type data, especially from small ILECs. Yet, the Paperwork Reduction Act clearly requires the Commission to specify the need for the collection of information - so that, among other things, the public can comment on whether the collection of information is necessary for the proper performance of the functions of the Commission.<sup>6</sup> The NPRM skipped this step.

## **II. THE PROPOSED REPORTING REQUIREMENTS WOULD BE BURDENSOME**

The ARMIS reports at issue are massive in scope.<sup>7</sup> Even for the ILECs that likely already have the necessary computer systems in place, the Commission estimates the staff hours involved in producing the ARMIS Reports 43-05, 43-06, 43-07 and 43-08 (i.e., the ARMIS Reports at issue in this NPRM) to be about 1500 hours per year per company.<sup>8</sup>

For small ILECs to begin to generate ARMIS-type data, they may need to upgrade switch software, invest in new back office

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<sup>6</sup> 44 U.S.C. § 3506.

<sup>7</sup> They are described online at <http://www.fcc.gov/wcb/armis/descriptions.html>.

<sup>8</sup> Notice of Public Information Collection(s) Being Submitted for Review to the Office of Management and Budget, 73 Fed. Reg. 43,933 (FCC July 29, 2008) (319 hours for each of ARMIS Reports 43-05 and 43-07); Public Information Collection(s) Approved by Office of Management and Budget, 71 Fed. Reg. 29,961 (FCC May 16, 2006) (720 hours for ARMIS Report 43-06); Notice of Public Information Collection(s) Being Submitted for Review to the Office of Management and Budget, 72 Fed. Reg. 5715 (FCC Feb. 7, 2007) (139 hours for ARMIS Report 43-08).

systems, or perhaps hire new staff to manually generate the data for the proposed reports. To generate customer satisfaction data, the small ILECs would need to start surveying customers about whatever issues are determined by the Commission. The cost of modifying internal procedures, upgrading or replacing systems, surveying customers, and hiring staff could range from the tens of thousands of dollars to hundreds of thousands of dollars, depending on the size of the ILEC and the regulations that the Commission would adopt. These small ILECs would need to divert resources away from making system improvements that impact end users - just to provide data to the Commission for an undefined purpose.

**III. THE OMB SHOULD REJECT THE PROPOSED RULES, JUST AS IT NIXED A MORE LIMITED VERSION OF THE REPORTING REQUIREMENTS IN 2001**

Eight years ago, in the Biennial Review Service Quality Reporting Requirements Notice, the Commission proposed to extend ARMIS Report 43-05 Service Quality Reporting to all ILECs.<sup>9</sup> The ARMIS Reports previously have been applied only to large ILECs. That Notice did not provide evidence of any complaints about the quality of service provided by small ILECs. Many small ILECs,

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<sup>9</sup> 2000 Biennial Regulatory Review - Telecommunications Service Quality Reporting Requirements, Notice of Proposed Rulemaking, CC Docket. No. 00-229, 15 FCC Rcd. 22,113, 22,122 (2000).

including some of the Rural Nebraska LECs, filed comments in that proceeding, and showed that the proposed reporting requirements were unjustified and would be unduly burdensome.<sup>10</sup> In response to those comments, the OMB stated:

The comments we received show a considerable cost for the reporting requirement, but do not include discussion of benefits. Absent a significant benefit being shown, we do not approve the extension in this proposal pursuant to the Paperwork Reduction Act.<sup>11</sup>

The same is true here. But this time, in the NPRM, the Commission has proposed to extend the ARMIS Report 43-05 Service Quality Reports all carriers, not just ILECs. And this time, the Commission goes several steps further. It proposes to extend almost all ARMIS-type reporting to all carriers. Yet, the Commission provides no reason why it needs the data it proposes to collect.

Just as the OMB previously did not approve the extension of service quality reporting to small ILECs, the Rural Nebraska LECs submit that the OMB should not approve the extension of service quality reporting and other ARMIS-type reporting to small ILECs,

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<sup>10</sup> E.g., Rural Local Exchange Carriers Comments, CC Docket No. 00-229 (dated Jan. 12, 2001); Bluestem Telephone Company, Chautauqua & Erie Telephone Corporation, GT Inc dba GT Com Inc, Sunflower Telephone Company, Inc. and Taconic Telephone Corporation Comments, CC Docket No. 00-229 (dated Jan. 12, 2001); Vermont ITCs Comments on Proposed Information Collections, CC Docket No. 00-229 (dated Jan. 3, 2001).

<sup>11</sup> Letter from Edward Springer, OMB, to Judy Boley, FCC, CC Docket No. 00-229 (Jan. 29, 2001).

under the Paperwork Reduction Act.

#### **IV. THE SBPRA ALSO COMPELS AN EXEMPTION FOR SMALL ILECS**

Even if the OMB would approve the expansion of the ARMIS Reports to include most carriers, the SBPRA compels an exemption for small ILECs. Many of the Rural Nebraska LECs, like many small ILECs, have fewer than 25 employees. The SBPRA requires an agency to further reduce any information burden for small businesses with such a small number of employees. The simplest way to reduce the information burden is to exempt these companies. It is impossible to provide any other suggestions for reducing compliance burdens because the NPRM does not explain why the data is needed in the first place.

If small ILECs with fewer than 25 employees are exempted, it would make sense to similarly exempt all small ILECs, because they all would face similar burdens of compliance.

#### **CONCLUSION**

As shown above, the Commission has not explained why it needs to collect more data, but the generation of data and reports would clearly be burdensome. Just as the OMB did not approve the unjustified extension of ARMIS reports in 2001, the Rural Nebraska LECs respectfully request the OMB to do the same here and reject the extension of ARMIS reports to small ILECs in

this proceeding. However, if the OMB were to approve the extension of ARMIS Reports in this proceeding pursuant to the Paperwork Reduction Act, the Commission should exempt small ILECs pursuant to the SBPRA.

Respectfully submitted,  
**RURAL NEBRASKA LECs**

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November 14, 2008

**CERTIFICATE OF SERVICE**

I, Susan J. Bahr, Law Offices of Susan Bahr, PC, certify that on this 14th day of November, 2008, I have sent a copy of the foregoing to the following:

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